

**Department of Permitting and Environmental Review (Permitting)**

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# Surface Water Design Manual

## Variances or Adjustments

Permitting Customer  
Information Bulletin #**34B****• FREQUENTLY ASKED QUESTIONS •**

*Visit the Permitting Web site at  
[www.kingcounty.gov/permits](http://www.kingcounty.gov/permits)  
for more information*

King County Permitting has created customer information bulletins to inform the general public about the effect of codes and regulations on their projects. These bulletins are not intended to be complete statements of all laws and rules and should not be used as substitutes for them. If conflicts and questions arise, current codes and regulations are final authority. Because the codes and regulations may be revised or amended at any time, consult King County staff to be sure you understand all requirements before beginning work. It is the applicant's responsibility to ensure that the project meets all requirements of applicable codes and regulations.

For alternate formats, call 206-296-6600.

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**How to request a variance or an adjustment for surface water design requirements**

This bulletin provides information about when and how customers should apply for a variance or adjustment when a proposed project cannot be designed or built entirely in conformance with adopted standards. Approval of a variance or adjustment allows customers to depart from adopted standards in the way(s) specified. All drainage facilities required as part of a development proposal in unincorporated King County must be designed and built according to the *King County Road Standards* and the applicable *King County Surface Water Design Manual* (KCSWDM).

Information regarding the procedures for requesting variances or adjustments can be found in the applicable KCSWDM. All of the documents mentioned above can be reviewed or purchased at the King County Department of Natural Resources and Parks (DNRP) at 206-296-6519. The DNRP office is located at the King Street Center, 201 South Jackson Street, Suite 600, Seattle, WA 98104-3855.

**When should customers apply for a variance or an adjustment?**

A variance from standards is considered for projects vested with complete applications prior to September 1, 1998. (See Section 1.4 of Chapter 1: *Summary and Guide to All Requirements* in the 1990 KCSWDM, revised November, 1995.) An adjustment is considered for projects vested with complete applications on or after September 1, 1998. (See Section 1.4 of

Chapter 1: *Drainage Review and Requirements* in the 1998 KCSWDM, revised October 30, 1998.)

Customers should apply for a variance or adjustment when one of the following occurs:

1. Proposed drainage improvements that are not prescribed in the standards;
2. Adopted standards do not address particular site conditions, or do not contain product specifications called for by the designer;
3. A Proposal does not meet an applicable requirement of the standards;
4. Application of the standards may deny reasonable use of a proposed property;
5. A customer wants to appeal the preliminary approval conditions relating to roads or drainage for short plats; or
6. A customer wants to vest a proposed project to the most current adopted standards or manual.

Generally, a variance or adjustment is not needed if the design of improvements exceeds the standards for those improvements.

Any request for a variance or an adjustment must be submitted after the preliminary project application is submitted. If, however, the feasibility of the entire project depends on approval of a variance or adjustment decision, customers will be allowed to request the variance or adjustment before submitting the project application.

Variances or adjustments must be approved before construction. Customers face the risk of costly reconstruction or removal of substandard work if the variance or adjustment request is denied, or if it is approved on the condition that specific work must be done.

### **How to apply for a variance or an adjustments:**

Separate applications are required for variances and adjustments. Application forms are available at the Snoqualmie office. Forms are also available via the Permitting Web site at [www.kingcounty.gov/permits](http://www.kingcounty.gov/permits) or by calling Permitting Services Center at 206-296-6600.

The Design Engineer for a proposed project should complete the application forms for a variance or adjustment. To help expedite the review process, include the following information with the application:

- Identification of the specific sections and requirements of the King County standards that will be varied or adjusted along with an explanation of how the proposed design will provide compensating or comparable performance as intended by the standards to be varied or adjusted;
- An Assessor's map with the boundaries of the pertinent parcel highlighted;
- A detailed justification for requesting a variance or adjustment (i.e. that the proximity of existing development and limited Right-of-Way makes it necessary). (See the applicable KCSWDM to review the criteria for granting a variance or adjustment.);
- All relevant review information, such as preliminary approval conditions, vicinity maps, photographs, engineering plans, or sketches to illustrate the impact of applying King County standards to the project;

- An off-site drainage analysis may be required for a variance or adjustment;
- A description of any proposed work designed to mitigate impacts created by the variance or adjustment. This must show that a proposal provides a public benefit that is equal to or better than that which would result without a variance or adjustment;
- Photographs of existing conditions; and
- Payment of the required fees.

Note: Financial costs associated with meeting standards will not be considered by King County as sufficient justification for granting a variance or adjustment.

There is no guarantee that a request will be approved. King County may grant a variance or adjustment if customers are able to show the following:

1. The variance or adjustment is in the public interest;
2. Proposed projects meet the objectives of safety, function, fire protection, appearance, and maintainability; and
3. Designs are based on sound engineering judgment.

### **What happens to an application after submission?**

The KCSWDM Variance/Adjustment Review Committee consisting of Engineers from Permitting and DNRP will review an application. A field inspection may be made to determine the accuracy and completeness of a proposed application, as well as to check existing site conditions. In some cases, the committee may ask for additional studies or more information.

The committee will review alternative designs and evaluate applications, taking into consideration public interest and design considerations.

If there is an experimental adjustment to the requirements of the KCSWDM, DNRP will make the final determination.

If there is a standard, complex, or pre-application adjustment to the applicable KCSWDM, the permitting Director, or designee, will make the final decision.

If there is a blanket adjustment to the applicable KCSWDM, both DNRP and Permitting will make the final decision.

Many variance and adjustment requests are approved with conditions. Such conditions then become part of the approved plan and must be adhered to.

The variance or adjustment request becomes part of a permanent development record, whether it is approved or denied.

### The appeal process

If a request for a variance or adjustment is denied, customers should reconsider and redesign a proposal to meet the standards. If applicants are not satisfied with the determination made by the Permitting designee and/or DNRP, or if redesign is not possible, they may appeal a decision to the Director of Permitting. Once applicants have made this appeal, there is no further appeal process after the Director's decision.

If customers have further questions regarding the appeal process, contact the Permitting Services Center at 206-296-6600.

### For additional information

For information regarding KCSWDM variances or adjustments, please contact a Permit Review Coordinator at 206-296-6600.

For further technical and committee review process information for KCSWDM variances or adjustments, call the Master Drainage Plan Senior Engineer at 206-296-6600.

### Other variances

Permitting also deals with requests for variances from requirements other than those relating to roads and drainage. Often, proposals involve encroachments into building setback requirements, restrictions in critical areas, or development in floodplain hazard areas. Please note that such proposals require shoreline or critical area variances or variances from the Zoning Code, rather than from the road standards or requirements of the applicable KCSWDM.

The Department of Permitting reviews these other types of variances. For more information on such variances, call Permitting Services Center at 206-296-6600.

### Other Bulletins and Telephone Numbers That May Be Helpful

Bulletin 1	Building and Development Permit Telephone Numbers
Bulletin 9	Obtaining a Residential Building Permit
Bulletin 16	Shoreline Erosion Control
Bulletin 21	Critical Areas Review
Bulletin 26	SEPA Process
Bulletin 29	Drainage Review
Bulletin 34A	Road Variances

These and other Permitting bulletins are available via the department Web site at [www.kingcounty.gov/permits](http://www.kingcounty.gov/permits).

206-296-6600	Permitting Services Center Information
206-296-6519	King County Department of Natural Resources and Parks

**Be sure to visit our Web site at:**  
**[www.kingcounty.gov/permits](http://www.kingcounty.gov/permits)**



King County complies with the Americans with Disabilities Act (ADA). If you require an accommodation to attend a meeting (two weeks' notice) or require this information in Braille, audiocassette, or large print, please call 206-296-6600 or TTY 206-296-7217.

